APPENDIX

Ordinance 22B (46) -1

AN EMERGENCY ORDINANCE REGULATING THE USE OF ANY DEVICE OR APPARATUS FOR THE AMPLIFICATION OF THE HUMAN VOICE OR SOUNDS FROM ANY RADIO, TAPE, FILM, PHONOGRAPH, OR OTHER SOUND MAKING OR SOUND TRANSMITTING DEVICE FOR COMMERCIAL, POLITICAL OR SOCIAL PURPOSES IN THE TOWN OF PRINCESS ANNE.

WHEREAS, The President and Commissioners of Princess Anne have determined that the unrestricted use of devices or apparatus for the amplification of the human voice and other sounds has caused annoyance and disturbance to the residents of said town and accordingly such use should be regulated and controlled to insure the peace and tranquility of the residents of said town, and,

WHEREAS, this ordinance concerns itself with a situation deemed by the Commissioners to affect the general health, safety, and welfare of the inhabitants of Princess Anne, this ordinance is hereby declared by the Commissioners to be an emergency ordinance within the meaning of Section 163 of the Somerset County Code, 1963 Edition.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE PRESIDENT AND COMMISSIONERS OF PRINCESS ANNE:

Section 1. No person or persons, firm, association, or corporation shall use or operate or cause to be used or operated within the town limits of Princess Anne any device or apparatus for the amplification of the human voice or sounds from any radio, tape, film, phonograph, or other sound making or sound transmitting device for commercial, political or social purposes.

Section 2. For public gatherings or occasions of special public interest or on such occasions or for such use as

The President and Commissioners may deem proper, the said The President and Commissioners may issue a permit for the use of such sound making or sound reproducing devices for limited periods of time.

Section 3. Nothing in this ordinance shall be construed to abridge or curtail the right of newspapers to announce, orally or otherwise, details, results or contemporaneous descriptions of important news or sports events.

Section 4. Nothing in this ordinance shall be construed to abridge or curtail the use of sound making or sound amplification devices for emergency purposes by duly constituted public agencies, specifically including but not limited to police and fire department personnel, in the performance of their official duties.

Section 5. Any person or persons, firm, association, or corporation violating this ordinance shall upon conviction thereof be fined not less than $10.00 nor more than $100.00 for each such violation.

Section 6. This ordinance shall be published in accordance with the provisions of Section 163 of the Somerset County Code, 1963 Edition.

Section 7. This ordinance is hereby designated an emergency ordinance as defined in Section 163 of the Somerset County Code, 1963 Edition, and accordingly all be effective on the 24th day of August, 1966.

THE PRESIDENT AND COMMISSIONERS OF PRINCESS ANNE

/s/ JAMES E. LAUCHNER
James E. Lauchner, *Pres.*
(Two Names Illegible)

/s/ JAMES F. POWELL
James F. Powell,
Town Mgr.

Letter of William H. Zinman to Edgar Jones

(Letterhead of William Harris Zinman,
Baltimore 2, Maryland)

August 15, 1966

Edgar Jones, Esquire
Princess Anne
Somerset County, Maryland

Re: *The President and Commissioners of Princess Anne* vs. *Joseph Carroll, et al.*

Dear Mr. Jones:

Enclosed please find a copy of our answer to the Petition for Injunctive Relief in the above-entitled case.

Be advised that the Civil Liberties Union, at the request of the Defendants, has assigned Mr. Garrett Power, a professor of law at the University of Maryland, and I to the defense of this case.

Due to the nature of this matter, I should like to formally request that local counsel also be assigned to assist us by the Somerset County Bar Association. This request is based upon our contention that everyone in need is entitled to a lawyer without regard to race or creed.

Yours truly,

/s/ William H. Zinman
William H. Zinman

WHZ/yk
Enclosure:

Letter of Edgar Jones to William H. Zinman

(Letterhead of Jones & Jones, Princess Anne, Md. 21853)

August 16, 1966

William Harris Zinman, Esq.
500 Equitable Building
Baltimore 2, Maryland

Re: *The President and Commissioners of Princess Anne* vs. *Joseph Carroll, et al.*

Dear Mr. Zinman:

This will acknowledge receipt of your letter of yesterday in which you formally requested local counsel be assigned to assist you in the defense of the above entitled case. I am sorry to advise that our small association has never taken any action on the suggestion that attorneys be assigned from the association to participate in "unpopular causes". This is perhaps due to the fact that there are only seven active members in our association. So far as I can remember there has never been any occasion in this County for the assignment of an attorney in an unpopular cause. Of course, in criminal cases the court does make these appointments, many of which we would all like to get out of.

In the present instance three of the active attorneys are involved on the other side in this case, the State's attorney is, of course, unavailable for this sort of work, Simpkins and Simpkins are very likely unavailable as one of these partners is running for office and would not want to get on

what possibly is the unpopular side and this only leaves one attorney whose residence is Crisfield and I am sure would not be available. I am sorry that we cannot comply with your request for the reasons above set forth.

Very truly yours,

/s/ Edgar A. Jones
President
Somerset County Bar Association

EAJ:ep

Letter of Clerk of Court of Appeals of Maryland to William H. Zinman

(Letterhead of Court of Appeals, Annapolis, Md.)

March 16, 1967

William H. Zinman, Esq.
Attorney at Law
500 Equitable Building
Baltimore, Maryland 21202

Dear Mr. Zinman:

The Court has considered your motion to advance for argument the case of *Joseph Carroll, et al. vs. President and Commissioners of Princess Anne, et al.*, No. 525, September Term, 1966, and, for your information, said motion was granted and an Order of Court filed today. A copy of the Order is enclosed.

The case will be assigned for argument between April 3rd and 14th; you will be notified of the exact day later.

A card is enclosed herewith and we ask that you note thereon your estimated time for argument, and return it to us promptly.

Very truly yours,

/s/ J. Lloyd Young
Clerk

JLY/ojr
Enclosures
cc: Alexander G. Jones, Esq.
Thomas S. Simpkins, Esq.

Motion to Advance Case for Hearing and Argument

IN THE

COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM 1966

No. 525

JOSEPH CARROLL, ET AL.,

Appellants,

—VS.—

PRESIDENT AND COMMISSIONERS OF PRINCESS ANNE, ET AL.,

Appellees.

Now comes the Appellants, by their Attorney, William H. Zinman, and moves that this Court advance this case for immediate hearing and argument for the following reasons:

1. That this is an Appeal from a ten (10) month interlocutory order of the Circuit Court of Somerset County, rendered on August 30, 1966, enjoining all of the Appellants from speaking, assembling, petitioning the government for redress and/or making any public utterance, speech or communication within the confines of Somerset County for the above stated period of time.

2. That after the Appellants filed their Brief with this Court on January 10, 1967, they agreed to permit the Appellees to extend their time for filing their Brief with this Court from February 10, 1967, to March 10, 1967, on

condition that they would agree to a prompt advancement of argument and hearing of this case. Since the Appellants are presently substantially prohibited from exercising all of their first amendment rights within the confines of the entire county, it is urgent that this Court grant them a prompt and immediate hearing.

WHEREFORE, the Appellants respectfully request that this Court grant them a prompt and immediate hearing; and that they be granted such other and further relief as their cause may seem to indicate.

WILLIAM H. ZINMAN
Attorney for Appellants
500 Equitable Building
Baltimore, Maryland 21202
SA 7-6151

Order of Court

IN THE

COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM 1966

No. 525

JOSEPH CARROLL, ET AL.,

Appellants,

—VS.—

PRESIDENT AND COMMISSIONERS OF PRINCESS ANNE, ET AL.,

Appellees.

IT IS ORDERED this 16th day of March, 1967, by the Court of Appeals of Maryland, that the above-entitled case be advanced for argument and hearing scheduled for the April Session.

/s/ HALL HAMMOND
Chief Judge

Letter of Wlliam H. Zinman to Clerk of Circuit Court

October 6, 1966

Clerk of the Circuit Court
I. Theodore Phoebus
Princess Anne
Somerset County, Maryland

Re: *The President and Commissioners of Princess Anne* vs. *Joseph Carroll, et al.*
Chancery Number—8338

Dear Mr. Phoebus:

Enclosed please find my personal check in the amount of $102.75 for the payment of costs in this case and an additional check of $20.00 for the Court of Appeals, which you are to forward.

I am presently negotiating with counsel for the town concerning an agreed Stipulation of Facts in substitution of the trial record. Consequently, I may not need any part of the record to be written up by Mr. Baker. I shall contact you in reference to that within a day or so. If there is anything else which remains to be done, please contact me.

Thanking you for your cooperation in this matter, I am

Very truly yours,

William H. Zinman

WHZ/yk
Enclosure:

Letter of William H. Zinman to the Court of Appeals of Maryland

May 16, 1967

Court of Appeals
c/o Mr. James H. Norris, Jr.
The Honorable Judges of the Court of Appeals
Annapolis, Maryland

RE: *Carroll et al.* vs. *Princess Anne, et al., Appeal: 535*

Dear Sirs:

The above-entitled case involves an appeal from a ten month Interlocutory Injunction prohibiting the Appellants from engaging in any political activity in Princess Anne County. Due to the serious nature of the case, it was advanced for argument by order of this court and set in for argument on April 5, 1967, at which time the case was heard on oral argument before five judges of this court.

Although it is not part of the record, the Appellants have been systematically prohibited from speaking in many counties of this State including Baltimore City on and after the Summer of 1966, and at the present time their request to engage in public debate has been turned down by several counties. Consequently, a prompt decision by the highest State Court on the questions presented by the appeal prior to their becoming moot, would be helpful in clarifying a situation which now appears very uncertain.

Accordingly, I should very much appreciate a decision in this case as soon as possible.

Sincerely yours,

William H. Zinman

WHZ/yk
cc: Edgar A. Jones, Esquire
cc: Lloyd L. Simpkins

Letter of Clerk of Court of Appeals of Maryland to William H. Zinman

(Letterhead of Court of Appeals of Maryland, Annapolis, Md.)

May 18, 1967

William Harris Zinman, Esq.
Attorney at Law
500 Equitable Building
Baltimore, Maryland 21202

Dear Mr. Zinman:

Replying to your letter of May 16, 1967, we wish to advise that the Court has under consideration the appeal in the case of *Joseph Carroll, et al.* vs. *Commissoners of Princess Anne County, et al.*, No. 525, September Term, 1966.

Very truly yours,

/s/ J. Lloyd Young
Clerk

JLY/ojr
cc: Edgar A. Jones, Esq.